

08-11-04

Attorney Docket No.: 17776-002US1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 16 2004

OFFICE OF PETITIONS

Applicant : DeAngelo, Michael

Art Unit : 2171

Serial No. : 09/284,113

Examiner : Cam N. Nguyen

Filed : April 7, 1999

Title : SYSTEM AND METHOD FOR CREATING AND MANIPULATING
INFORMATION CONTAINERS WITH DYNAMIC REGISTERS

MAIL STOP PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO REVIVE APPLICATION UNDER 37 C.F.R. § 1.137(b)

Applicant hereby petitions under 37 C.F.R. § 1.137(b) to revive the above application for failure to respond to the non-final office action mailed February 11, 2003.

Enclosed is 1) a declaration of Michael de Angelo in support of this petition and upon which this petition is based, 2) a response to the non-final office action mailed February 11, 2003, to continue prosecution of the application, and 3) a check for \$665 in payment of the petition fee by a small entity as set forth in 37 C.F.R. § 1.17(m).

Applicant submits that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Aug. 9, 2004

Tamara Fraizer
Tamara Fraizer
Reg. No. 51,699

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50227801.doc

CERTIFICATE OF MAILING BY EXPRESS MAIL

08/12/2004 HALI11 00000003 09284113

Express Mail Label No. EV 321 384 896 US

01 FC:2453

665.00 OP

August 9, 2004

Date of Deposit

FROM :

FAX NO. :

Aug. 09 2004 09:55AM P1

Attorney's Docket No.: 17776-002US1

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DECLARATION OF MICHAEL DE ANGELO IN SUPPORT OF PETITION TO REVIVE
APPLICATION UNDER 37 C.F.R. § 1.137(b)

I, Michael De Angelo, declare and state as follows:

1. My citizenship, residence and address are as stated below by my name and signature.
2. I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: System And Method For Creating And Manipulating Information Containers With Dynamic Registers. My patent application is based upon over twenty-five years of committed work and development.
3. Prior to the Patent Office's issuance on February 11, 2003, of an Office Action pertaining to my application, I was informed by patent counsel that they were no longer representing me because I had not been able to pay their bills.
4. During the entire year of 2003 and until the present time, I have suffered severe hardship due to the criminal destruction of a corporation for which I was the Chairman and CEO. This matter was investigated by the FBI and the Department of Justice, and a Federal subpoena was issued to the perpetrators. The destruction of the corporation and multiple related lawsuits caused me extreme mental anguish and serious financial difficulties.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

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5. I had no understanding of the timeline for my response to the first office action issued with respect to my application and was unable to pursue the matter during this time.

6. The entire delay in filing of the required reply to the PTO Office Action of February 11, 2003, from the due date for the reply until the filing of the accompanying petition was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name: MICHAEL DE ANGELO

Signature: Date: August 5, 2004Residence and Address: 3700 Andreas Hills Drive, Palm Springs, CA 92264Citizen of: United States of America



#11/a

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : DeAngelo, Michael

Art Unit : 2171

Serial No. : 09/284,113

Examiner : Cam N. Nguyen

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Mail Stop Amendment

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P.O. Box 1450

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AMENDMENT IN REPLY TO ACTION OF FEBRUARY 11, 2003

Please amend the above-identified application as follows:

08/12/2004 HALI11 00000004 09284113

01 FC:2203

145.00 OP

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 321 384 896 US

August 9, 2004

Date of Deposit

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

a1
1. (Currently Amended) An apparatus for transmitting, receiving and manipulating information on a computer system, the apparatus including a plurality of containers, each container being a logically defined data enclosure and comprising:

an information element having information;

a plurality of registers, the plurality of registers forming part of the container and including,

a first register ~~of the plurality of registers~~ for storing a unique container identification value and,

a second register having a representation designating time and governing interactions of the container with other containers, systems or processes according to utility of information in the information element relative to an external-to-the-apparatus event time ~~of the plurality of registers that stores information and evolves according to the relationship, use and interaction of the container with other containers, processes and systems~~; and

a gateway attached to and forming part of the container, the gateway controlling the interaction of the container with other containers, systems and or processes.

2. (Currently Amended) The apparatus of claim 1 or 37, wherein the information element is one from the group of text, graphic images, video, audio, a digital pattern, a process, a nested container, bit, natural number and a system.

3. (Currently Amended) The ~~system apparatus~~ of claim 1 or 37, wherein the plurality of registers includes at least one container history register for storing information

regarding past interaction of the container with other containers, systems or processes, the container history register being ~~modified~~modifiable.

a) 4. (Currently Amended) The ~~system-apparatus~~ of claim 1 or 37, wherein the plurality of registers includes at least one system history register for storing information regarding past interaction of the container with different operating system and network processes.

5. (Currently Amended) The ~~system-apparatus~~ of claim 1 or 37, wherein the plurality of registers includes at least one predefined register, the predefined register being a register associated with an editor for user selection and ~~the predefined register being~~ appendable to any container.

6. (Currently Amended) The ~~system-apparatus~~ of claim 1 or 37, wherein the plurality of registers includes a user-created register, the user-created register being generated by the user, ~~one or more of which is and~~ being appendable to any container.

7. (Currently Amended) The ~~system-apparatus~~ of claim 1 or 37, wherein the plurality of registers includes a system-defined register, the system-defined register being set, controlled and used by the system, ~~one or more of which is and~~ being appendable to any container.

8. (Cancelled)

9. (Currently Amended) The ~~system-apparatus~~ of claim ~~8~~1, wherein the plurality of registers includes:

an active time register for identifying times at which the container will act upon other containers, processes, systems or gateways;

an passive time register for identifying times at which the container can be acted upon by other containers, processes, systems, or gateways; and

a neutral ~~time~~-time register for identifying times at which the container may interact with other containers, processes, systems or gateways.

a¹
10. (Currently Amended) The ~~system-apparatus~~ of claim 1 or 37, wherein the plurality of registers includes at least one acquire register for controlling whether the container adds a register or a container from other containers when interacting with them.

11-13. (Cancelled)

14. (Currently Amended) The ~~system-apparatus~~ of claim ~~37~~41, wherein the plurality of registers includes:

an active space register for identifying space in which the container will act upon other containers, processes, systems or gateways;

an passive space register for identifying ~~from space in~~ space in which the container can be acted upon by other containers, processes, systems, or gateways; and

a neutral ~~time~~-space register for identifying space in which the container may interact with other containers, processes, systems or gateways.

15. (Currently Amended) The ~~system-apparatus~~ of claim 1 or 37, wherein the gateway includes means for acting upon another container, the means for acting upon another container using the plurality of registers to determine whether and how the container acts upon other containers.

16. (Currently Amended) The ~~system-apparatus~~ of claim 1 or 37, wherein the gateway includes means for allowing interaction, the means for allowing interaction using the plurality of registers to determine whether and how another container can act upon the container.

17. (Currently Amended) The ~~system-apparatus~~ of claim 1 or 37, wherein the gateway includes means for gathering information, the means for gathering information recording register information from other containers, systems ~~and-or~~ processes that interact with the container.

18. (Currently Amended) The ~~system-apparatus~~ of claim 1 or 37, wherein the gateway includes means for reporting information, the means for reporting information providing register information to other containers, systems ~~and-or~~ processes that interact with the container.

19. (Currently Amended) The ~~system-apparatus~~ of claim 1 or 37, wherein the gateway includes an expert system including rules defining the interaction of the container with other containers, systems ~~and-or~~ processes.

20-36. (Cancelled)

37. (New) An apparatus for transmitting, receiving and manipulating information on a computer system, the apparatus including a plurality of containers, each container being a logically defined data enclosure and comprising:

- an information element having information;
- a plurality of registers, the plurality of registers forming part of the container and including
 - a first register for storing a unique container identification value and
 - a second register having a representation designating space and governing interactions of the container with other containers, systems or processes according to utility of information in the information element relative to an external-to-the-apparatus three-dimensional space; and

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a gateway attached to and forming part of the container, the gateway controlling the interaction of the container with other containers, systems or processes.

REMARKS

Claims 1-36 were pending in the present application. Claims 1-7, 9-10, 14-19 have been amended. Claims 8, 11-13, and 20-36 have been cancelled. Claim 37 has been added.

No new matter has been added by way of this amendment. Support for newly added claim 37 can be found in the specification, for example, at page 5 lines 20-26, page 19 lines 6-7, and page 35 lines 25-30. Reconsideration and reexamination are respectfully requested in view of the amendments and following remarks.

Claim Rejections 35 USC § 102(e)

The Examiner rejected claims 1-36 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,016,495 to McKeehan et al. ("McKeehan"). The applicant respectfully disagrees.

The applicant's invention as defined in the amended claims provides an apparatus for transmitting, receiving, and manipulating information on a computer system, and includes an information element, a plurality of registers, and a gateway. Claim 1 requires a gateway that controls the interactions of the container, and a register that has a representation of time that governs the container's interactions according to the utility of the container's information relative to external-to-the-apparatus time.

In contrast, McKeehan describes an object-oriented framework mechanism that provides an infrastructure for persistent storage. McKeehan does not describe or suggest, as required by amended claim 1, "a second register for controlling the relationship of the container with other containers, systems or processes, the second register having a representation designating time and governing interactions of the container with other containers, systems or processes according to utility of information in the information element relative to an external-to-the-apparatus event time".

Rather, McKeehan describes a "LockManager class ... responsible for providing concurrency control of objects stored in persistent containers" (Column 19, lines 25-27). Applicant respectfully submits that McKeehan's LockManager class does not "govern[]" interactions ... according to utility of information ... relative to an external-to-the-apparatus

event time", as required by claim 1, because the LockManager class controls simultaneous access to an object by multiple objects without regard to the utility of such access relative to "an external-to-the-apparatus event time."

Applicant's new claim 37 requires a gateway that controls the interactions of the container, and a register that has a representation of space that governs the container's interactions according to the utility of the container's information relative to external-to-the-apparatus space. McKeehan does not describe or suggest, as required by claim 37, "a second register for controlling the relationship of the container with other containers, systems and processes, the second register having a representation designating space and governing interactions of the container with other containers, systems or processes according to utility of information in the information element relative to an external-to-the-apparatus three-dimensional space".

As noted by the Examiner with respect to previously asserted claim 11, McKeehan describes a "[c]omputer system 800 [that] utilizes well known virtual addressing mechanisms that allow the programs of computer system 800 to behave as if they only have access to a large, single storage entity (referred to herein as computer system memory) instead of access to multiple, smaller storage entities such as main memory ..." (Column 15, line 66 to column 16, line 5). Applicant respectfully submits that McKeehan's virtual addressing mechanism is limited to the memory of the computer system, and as such, does not suggest "governing interactions ... according to utility of information ... relative to an external-to-the-apparatus three-dimensional space".

Accordingly, the applicant respectfully submits that claim 1, as amended, and new claim 37 are allowable. Claims 2-7, 9-10, and 14-19 depend from claim 1 or 37, and are allowable for at least the reasons discussed for claims 1 or 37. Allowance of claims 1-7, 9-10, 14-19 and 37 is thereby respectfully requested.

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Submitted herewith is a petition for revival of the application and associated fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: Aug. 9, 2004



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Reg. No. 51,699

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TRANSMITTAL LETTER

Correspondence relating to this application is enclosed. The required fees are computed below. Please apply any charges not covered, or any credits, to Deposit Account No. 06-1050.

Total Claims	28	-	36	=	0	\$0
Independent	2	-	3	=	0	\$0
First Presentation of Multiple Dependent Claims						\$145

Applicant hereby petitions under 37 C.F.R. §1.136 for a 0 month extension of time.

\$0

TOTAL FEE DUE

\$145

A check for \$145 is attached.

Respectfully submitted,

Date: Aug. 9, 2004

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 Reg. No. 51,699

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